

1 **NAVAJO TRUST FUND AMENDMENTS**

2 2006 GENERAL SESSION

3 STATE OF UTAH

4 **Chief Sponsor: Brad King**

5 Senate Sponsor: Mike Dmitrich

7 **LONG TITLE**

8 **General Description:**

9 This bill modifies provisions related to the Navajo Trust Fund.

10 **Highlighted Provisions:**

11 This bill:

12 ▶ permits persons to serve on the Dineh Committee and receive benefits from
13 expenditures of the Navajo Trust Fund if certain conditions are met; and

14 ▶ makes technical changes.

15 **Monies Appropriated in this Bill:**

16 None

17 **Other Special Clauses:**

18 None

19 **Utah Code Sections Affected:**

20 AMENDS:

21 **63-88-107**, as last amended by Chapter 176, Laws of Utah 2002

23 *Be it enacted by the Legislature of the state of Utah:*

24 Section 1. Section **63-88-107** is amended to read:

25 **63-88-107. Utah Dineh Committee.**

26 (1) There is created the Dineh Committee.

27 (2) (a) The governor, with the consent of the Senate, shall appoint nine members to the



28 committee.

29 (b) In making an appointment under Subsection (2)(a), the governor shall ensure that:

30 (i) each member of the committee is an individual:

31 (A) who is an enrolled member of the Navajo Nation; and

32 (B) whose name and tribal number are contained in the trust fund's population
33 database; and

34 (ii) the committee includes:

35 (A) two registered members of the Aneth Chapter of the Navajo Nation who reside in
36 San Juan County, Utah;

37 (B) one registered member of the Blue Mountain Dine' who resides in San Juan
38 County, Utah;

39 (C) one registered member of the Mexican Water Chapter of the Navajo Nation who
40 resides in San Juan County, Utah;

41 (D) one registered member of the Navajo Mountain Chapter of the Navajo Nation who
42 resides in San Juan County, Utah;

43 (E) subject to Subsection (11), two members who reside in San Juan County, Utah:

44 (I) one of which shall be a registered member of the Oljato Chapter of the Navajo
45 Nation; and

46 (II) one of which shall be a registered member of either the Oljato Chapter or the
47 Dennehotso Chapter of the Navajo Nation;

48 (F) one registered member of the Red Mesa Chapter of the Navajo Nation who resides
49 in San Juan County, Utah; and

50 (G) one registered member of the Teec Nos Pos Chapter of the Navajo Nation who
51 resides in San Juan County, Utah.

52 (3) (a) (i) Each of the Utah Navajo Chapters, except the Aneth, Oljato, and Dennehotso
53 chapters, shall submit to the governor the names of three nominees to the Dineh Committee
54 chosen by the chapter.

55 (ii) The governor shall select one of the three persons submitted under Subsection
56 (3)(a)(i) as that chapter's representative on the Dineh Committee.

57 (b) (i) The Blue Mountain Dine' shall submit to the governor the names of three
58 nominees to the Dineh Committee.

59 (ii) The governor shall select one of the three persons submitted under Subsection
60 (3)(b)(i) as the Blue Mountain Dine' representative on the Dineh Committee.

61 (c) (i) The Aneth Chapter shall submit to the governor the names of six nominees to
62 the Dineh Committee chosen by the chapter.

63 (ii) The governor shall select two of the six persons submitted under Subsection
64 (3)(c)(i) to be the Aneth Chapter's representatives on the Dineh Committee.

65 (d) (i) The Oljato Chapter shall submit to the governor the names of six nominees to
66 the Dineh Committee chosen by the chapter.

67 (ii) One of the six names submitted under Subsection (3)(d)(i) may be a registered
68 member of the Dennehotso Chapter.

69 (iii) The governor shall select two of the six persons submitted under Subsection
70 (3)(d)(i) to be the representatives on the Dineh Committee of the Oljato and Dennehotso
71 chapters.

72 (4) The governor may not appoint any person who is currently, or who, within the last
73 12 months, has been an officer, director, employee, or contractor of any business enterprise or
74 service provider that solicits, accepts, or receives ~~[monies]~~ a benefit from an expenditure of:

- 75 (a) the Division of Indian Affairs; or
- 76 (b) the trust fund established in this chapter.

77 ~~[(5) Other]~~

78 (5) (a) Except as provided in Subsection (5)(b) and other than the amount authorized
79 by this section for Dineh Committee member expenses, a person appointed to the Dineh
80 Committee may not solicit, accept, or receive any ~~[monies from]~~ benefit from an expenditure
81 of:

82 ~~[(a)]~~ (i) the Division of Indian Affairs;

83 ~~[(b)]~~ (ii) the trust fund; or

84 ~~[(c)]~~ (iii) the Division of Indian Affairs or trust fund as an officer, director, employee,
85 or contractor of any business enterprise or service provider that solicits, accepts, or receives
86 ~~[expenditures from]~~ a benefit from the expenditure of:

87 ~~[(i)]~~ (A) the Division of Indian Affairs; or

88 ~~[(ii)]~~ (B) the trust fund.

89 (b) A member of the Dineh Committee may receive a benefit from an expenditure of

90 the trust fund if:

91 (i) when the benefit is discussed by the Dineh Committee:

92 (A) the member discloses that the member may receive the benefit;

93 (B) the member physically leaves the room in which the Dineh Committee is

94 discussing the benefit; and

95 (C) the Dineh Committee approves the member receiving the benefit by a unanimous

96 vote of members present at the meeting discussing the benefit;

97 (ii) a Utah Navajo Chapter requests that the benefit be received by the member;

98 (iii) the member is in compliance with the ethics and conflict of interest policy required

99 under Subsection 63-88-105(2)(d);

100 (iv) (A) the expenditure from the trust fund is made in accordance with this chapter;

101 and

102 (B) the benefit is no greater than the benefit available to members of the Navajo Nation

103 whose name and tribal number are contained in the trust fund's population database; and

104 (v) the member is not receiving the benefit as an officer, director, employee, or

105 contractor of any business enterprise or service provider.

106 (c) A business enterprise or service provider that has a member as an officer, director,

107 employee, or contractor may not receive a benefit under Subsection (5)(b).

108 (6) (a) (i) Except as required by Subsection (6)(a)(ii), as terms of current committee

109 members expire, the governor shall appoint each new member or reappointed member to a

110 four-year term.

111 (ii) Notwithstanding the requirements of Subsection (6)(a)(i), the governor shall, at the

112 time of appointment or reappointment, adjust the length of terms to ensure that the terms of

113 committee members are staggered so that approximately half of the committee is appointed

114 every two years.

115 (b) Except as provided in Subsection (6)(c), committee members shall serve until their

116 successors are appointed and qualified.

117 (c) (i) If a committee member is absent from three consecutive committee meetings, or

118 if the committee member has violated the ethical or conflict of interest policies established by

119 statute or by the committee[-];

120 (A) that member's appointment is terminated[-];

121 (B) the position is vacant[-]; and

122 (C) the governor shall appoint a replacement.

123 (ii) When a vacancy occurs in the membership for any reason, the replacement shall be
124 appointed for the unexpired term according to the procedures of this section.

125 (7) (a) The committee shall select a chair and a vice chair from its membership each
126 two years subsequent to the appointment of new members.

127 (b) Five members of the committee are a quorum for the transaction of business.

128 (c) The committee shall:

129 (i) comply with the procedures and requirements of Title 52, Chapter 4, Open and
130 Public Meetings;

131 (ii) ensure that all of its meetings are held at or near:

132 (A) a chapter house or meeting hall of a Utah Navajo Chapter; or

133 (B) other places in Utah that the committee considers practical and appropriate; and

134 (iii) ensure that all of its meetings are public hearings at which any resident of San Juan
135 County may appear and speak.

136 (8) (a) [~~Members~~] A member shall receive no compensation or benefits for [~~their~~] the
137 member's services, but may receive per diem and expenses incurred in the performance of the
138 member's official duties at the rates established by the Division of Finance under Sections
139 63A-3-106 and 63A-3-107 from the trust fund.

140 (b) [~~Members~~] A member may decline to receive per diem and expenses for their
141 service.

142 (9) The Office of Trust Administrator is staff to the committee.

143 (10) The committee shall advise the trust administrator about the expenditure of trust
144 fund monies.

145 (11) If both members appointed under Subsection (2)(b)(ii)(E) are registered members
146 of the Oljato Chapter, the two members shall attend Dennehotso Chapter meetings as
147 practicable.

Legislative Review Note

as of 1-25-06 11:42 AM

Based on a limited legal review, this legislation has not been determined to have a high probability of being held unconstitutional.

Office of Legislative Research and General Counsel